### DECLARATION OF CO-COUNSEL IN SUPPORT OF MOTION TO COMPEL THIRD PARTY DISCOVERY

- I, Sebastian Rucci, declare under penalty of perjury as follows:
- 1. This declaration is made in support of Plaintiffs' Motion to Compel Third Party Discovery. I am co-counsel for the plaintiffs in *Aguilar v. PNC Bank*, 4-cv-985-LRR. I commenced my involvement in this and parallel cases in April 2010. During the past five years, I have reviewed over one million pages of documents concerning Martin Sigillito and the British Lending Program. I have personal knowledge that the records identified below are genuine and state the facts identified herein.
- 2. PNC Bank, in response to Plaintiffs' Amended Complaint states in paragraph 130 of its Answer: "PNC admits that Allegiant Bank advised its counsel upon becoming suspicious of the activity in Sigillito's accounts." (docket no. 33 at ¶ 130). In paragraph 131 of its Answer "PNC admits that Allegiant Bank advised its counsel upon becoming suspicious of the activity in Sigillito's accounts and that counsel investigated the matter." (Id. at ¶ 131). In paragraph 375 of its Answer "PNC admits that Allegiant Bank became suspicious of activity in Sigillito's accounts [in early October 2001]." (Id. at ¶ 375).
- 3. The paragraphs which follow describe the information available during the investigation of Sigillito's bank records. IOLTA deposits coincide with IOLTA withdrawals on the same date and with a check memo that is easily attributed to a BLP customer. Similarly, when IRA funds are wired to Brown, the payment of fees to Sigillito by Brown are easily traced to the IRA customer by the memo on the check.

#### BLP LOANS DO NOT PROVIDE FOR ANY UP-FRONT FEES

4. Allegiant records show that loan agreements between the English borrower, Mark Gilbert Morse, and the plaintiffs do not disclose that up-front fees are deducted from the loan. BLP loan agreements held by Allegiant for IRA customers, show that Betty Womack invested \$56,715.19 in the BLP from her IRA. (Exhibit H-1). The Womack loan agreement does not disclose the payment of any fees. (*Id.*) All other loan agreements are similar and do not disclose the payment of up-front fees.

- 5. Records show that on February 9, 2001, Sigillito sent a letter to Richard Markow which enclosed a memorandum from Scott Brown in reference to the "Bosse Trust." (Exhibit 2). Brown's memo included a statement Kevin Cooper which confirmed that the BLP "charges no up-front fees." (Exhibit H-2 pg. 7).
- 6. Bank records show that Sigillito deposited cash investments directly into his Allegiant account, fund for IRAs were sent to Brown. Bank records shows that Lewis Vollmar's BLP loan for his IRA was wired by Allegiant to Scott Brown's account at Bank of Blue Valley for investment in the BLP. (Exhibit H-3).
- 7. Bank records from Jan Alonzo, Allegiant's outside counsel, show that Allegiant wired money to Brown numerous times from the IRAs of its customers who invested in the BLP. The letter confirms that Allegiant "wired funds to J. Scott Brown" plaintiffs Lewis Vollmar, Linda Givens, David Caldwell and Wanda Lavender. (Exhibit H-4).

#### SIGILLITO'S IOLTA CONFIRMS THE DIVERSION OF FIDUCIARY FUNDS

- 8. Sigillito's IOLTA bank records show that Sigillito would deposit funds intended for investment in the BLP into his IOLTA and pay undisclosed fees to himself and his associates from these fiduciary funds.
- 9. Sigillito's IOLTA bank records show that on May 29, 2001, Sigillito deposited \$1,506,574 into his IOLTA account from the Bosse Trust. (Exhibit H-5). Two days later Sigillito wrote a check to himself for \$165,000 as undisclosed fees, and the check memo states "Bosse fee." (*Id.*) The balance of \$1,335,000 was sent to Scott Brown's company. The check memo stated: "Bosse Trust Proceeds." (*Id.*)
- 10. Sigillito's IOLTA bank records show that on February 7, 2001, Winifred Leonard loaned \$40,000 to the BLP by issuing a check payable to Allegiant Bank. On February 12, 2001, Sigillito issued IOLTA Check #514 for \$3,200 to himself (\$40,000 loan x 8%). The check memo stated "Leonard Fee." (Exhibit H-6).
- 11. Sigillito's IOLTA bank records show that on May 16, 2001 Robert Givens loaned \$30,000 to the BLP, the check memo stated: "investment." (Exhibit H-7). On May 18, 2001, Sigillito issued IOLTA Check #542 for \$2,400 to himself, an amount equal to 8% of the \$30,000 Givens loan. The check memo stated "R. Givens fee." (*Id.*)

- 12. Sigillito's IOLTA bank records show that check memos of many IOLTA checks during the first half of 2001 show that Sigillito received up-front fees: IOLTA Check #514 for \$3,200 ("Leonard Fee") (2-12-01); IOLTA Check #530 for \$2,800 ("Yarberry Fee") (4-02-01); IOLTA Check #531 for \$4,000 ("Milsap Fee") (4-23-01); IOLTA Ck #542 for \$2,400 ("Givens Fee") (5-18-01); IOLTA Ck #546 for \$165,000 ("Bosse Fee") (5-31-01); IOLTA Ck #551 for \$8,626 ("Cwiakala Fee") (6-14-01). (Exhibit H-8).
- 13. Sigillito's IOLTA bank records show that Sigillito diverted many up-front fees out of fiduciary funds from his IOLTA for payments to Kevin Cooper. During the first seven months in 2001 Cooper received IOLTA Check #508 for \$3,500 (2-02-01); IOLTA Check #511 for \$1,576 (2-06-01); IOLTA Check #533 for \$5,000 (4-27-01); and IOLTA Check #555 for \$4,465 (7-03-01). (Exhibit H-9).

#### SIGILLITO'S IOLTA CONFIRMS THE DIVERSION OF FIDUCIARY FUNDS

- 14. Allegiant bank records of Sigillito's IOLTA show that Allegiant made a loan to Stanley Cwiakala for investment in the BLP and that funds deposited by Allegiant directly into Sigillito's IOLTA were misappropriated by Sigillito as undisclosed fees. Sigillitos' IOLTA bank records show that in June 2001, Allegiant transferred \$107,828.20 from Stanley Cwiakala's loan from Allegiant (loan no. 364099) into Sigillito's IOLTA for investment in the BLP. (Ex. H-10 pg 1). Sigillitos IOLTA records show that he paid himself undisclosed fees of \$8,626 on the Cwiakala loan intended for investment in the BLP (*Id.* pg. 2).
- 15. Records show that Sigillito deposited investor funds into his IOLTA and paid interest owed existing investors from his IOLTA. Records show that Margaret Price loaned \$114,536 to the BLP and her loan provided for monthly interest payments of \$1,670.33. Sigillitos' IOLTA bank records show that on February 27, 2001, IOLTA Check #519 for \$1,670.33 was paid to Allegiant Bank for payment of the monthly interest on Margaret Price's loan to the BLP. (Exhibit H-11). Sigillitos' IOLTA bank records show that on June 5, 2001, IOLTA Check #549 for \$1,670.33 was paid to Allegiant for payment of interest on Margaret Price's loan to the BLP. (*Id.*)
- 16. Sigillito's IOLTA bank records show that on April 18, 2001, Allegiant initiated a bank-to-bank transfer for \$1,670.33 from Sigillito's IOLTA account directly to Allegiant Bank for payment of interest on Margaret Price's loan to the BLP. (Exhibit H-12).

#### SIGILLITO'S ATTORNEY ACCOUNT CONFIRMS THE DIVERSION OF FIDUCIARY FUNDS

- 17. Allegiant bank records of activity in Sigillito's accounts show that each and every IRA loan wired to Scott Brown by Allegiant, also shows that Brown would be diverted by Brown by sending a check to Sigillito for his 8% fee of the loan amount. The date of the deposit and the date of the payments, and the check memos confirm that the fee payments were from the IRAs established at Allegiant.
- 18. Allegiant bank records of activity in Sigillito's accounts show that Sigillito on May 4, 2001 deposited a check from Brown for \$4,537.22 for 8% fee on Betty Womak's \$56,715.19 IRA loan for investment in the BLP. (Exhibit H-13).
- 19. Allegiant bank records of activity in Sigillito's accounts show that Sigillito in May 2001 deposited a check from Brown for \$4,160 for fees on Cwiakala's \$52,000 loan from Allegiant for investment in the BLP. (Exhibit H-14).
- 20. Bank records of activity in Sigillito's accounts show that in January 2001, Sigillito deposited numerous fee checks from Scott Brown into his Lawyers Account: Check #1351 for \$24,000 for Givens/Smith ("agent fees Givens/Smith"); Check #1352 fro \$24,000 for Givens/Smith ("consulting Givens/Smith"); Check #1364 for \$5,600 for Givens ("Givens, L IRA 70k -agent's fee"); Check #1363 for \$5,600 for BLP investor Givens ("Givens, L IRA 70k -consulting"); Check #1366 for \$11,200 for Lavender ("Lavender-conulting fee"); Check #1365 for \$8,533 for Vollmar ("Vollmar MGM consulting"); Check #1341 for \$163.30 for Blaylock ("1/3 share Blaylock"); Check #1349 for \$5,600 from Wilkening ("Wilkening consulting"); Check #1348 for \$5,600 from Wilkening ("Wilkening-fees to agent"); Check# 1356 for \$1,680.38 from Sugg ("Sugg consulting fees"); and check no 505 from his IOLTA to himself for \$900 from Bosse ("Bosse"). The fees received by each check were from an investment by one of the BLP lenders (Ex. H-15).
- 21. Allegiant bank records of Sigillito's accounts show that on September 21, 2001 Allegiant made a loan (loan no. xxx-4099) to Doug and Linda Givens for \$100,000. On September 27, 2001, Allegiant transferred the \$100,000 to Sigillito's IOLTA (no. 040400-7040) intended for investment in the BLP for Doug and Linda Givens. (Exhibit H-16).

#### ALLEGIANT BANK BENEFITS FROM DIVERTED FUNDS

- 22. Allegiant bank records of activity in Sigillito's accounts show that Doug and Linda Givens took out a loan at Allegiant Bank using the BLP as collateral. On September 28, 2001, Allegiant Bank advanced \$100,000 from the loan to Givens' directly to Scott Brown. On September 30, 2002, nine months after Allegiant Bank ousted Sigillito, Allegiant accepted fiduciary funds from Scott Brown for repayment of the \$100,000 principal on Allegiant's loan to Doug Givens. (Exhibit H-17).
- 23. Allegiant bank records of activity in Sigillito's accounts show interest on Stanley Cwiakala's commercial loan taken out from Allegiant was paid by Scott Brown from the same account that Allegiant wired IRA investor funds. After October 9, 2001 Allegiant accepted 27 payments from Scott Brown for interest payments on Loan Number 364099.
- 24. Allegiant bank records of activity in Sigillito's accounts show that the following twenty-seven checks paid to Allegiant by Scott Brown stated in the check memo that interest payment was for Loan Number 364099. Check #1030 (10-10-01) \$1781.66; Check #1218 (6-09-03) \$578.44; Check #10431 (1-03-01) \$693.69; Check #1228 (7-23-03) \$485.78; Check #1081 (2-20-02) \$1272.12; Check #1229 (8-04-03) \$219.35; Check #1090 (4-03-02) \$664.49; Check #1233 (8-13-03) \$354.33; Check #1101 (5-13-02) \$664.32; Check #1236 (9-18-03) \$354.34; Check #1126 (8-08-02) \$1297.13; Check #1245 (10-20-03) \$342.89; Check #1126 (10-22-02) \$1272.12; Check #1249 (11-19-03) \$354.32; Check #1129 (11-12-02) \$646.48; Check #1252 (12-12-03) \$342.89; Check #1133 (12-06-02) \$584.78; Check #1256 (1-16-04) \$354.32; Check #1137 (1-14-03) \$578.44; Check #1262 (2-12-04) \$354.32; Check #1141 (2-04-03) \$578.44Check #1268 (3-22-04) \$331.46Check #1206 (3-10-03) \$522.45; Check #1269 (4-27-04) \$354.32; Check #1208 (4-09-03) \$578.44; Check #1276 (5-25-04) \$342.89; Check #1213 (5-07-03) \$559.78. (Exhibit H-18).
- 25. On September 27, 2001, Rudolf Ouwens made a \$50,000 investment in the BLP which was deposited into Sigillito's IOLTA account.
- 26. I have personal knowledge of all facts stated in this declaration and could competently testify to such knowledge if necessary.

Dated: May 25, 2015

Sebastian Rucci

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#### TABLE OF EXHIBITS

Exhibit H-1 Womack Loan

Exhibit H-2 Brown BLP memo to Markow

Exhibit H-3 Vollmar Loan Wired to Brown

Exhibit H-4 BLP Funds Wired to Brown

Exhibit H-5 Bosse Loan

Exhibit H-6 Winifred Leonard Fee

Exhibit H-7 Robert Givens Fee

Exhibit H-8 Fees

Exhibit H-9 Cooper Fees

Exhibit H-10 Cwiakala Fee

Exhibit H-11 Price payment

Exhibit H-12 Price payment Transfer

Exhibit H-13 Betty Womak Fee

Exhibit H-14 Cwiakala Fee

Exhibit H-15 Fees

Exhibit H-16 Givens Fees

Exhibit H-17 Givens Repayment

Exhibit H-18 Brown Payments of Givens Interest

Dated this day of May 2001

#### LOAN AGREEMENT

#### BETWEEN:

### ALLEGIANT BANK – CUSTODIAN FOR THE DOUGLAS R. GIVENS SELF-DIRECTED INDIVIDUAL RETIREMENT ACCOUNT OF BETTY L. WOMACK (1)

and

JOHN LAURENCE MARK JOHN BEDE MORSE and JOHN GEORGE GIBSON (2)

Mark Gilbert Morse

Solicitors 53 Grey Street Newcastle upon Tyne NE1 6EE

(0044 191 2610096)

#### WARNING:

THIS IS A LEGALLY ENFORCEABLE AGREEMENT. IF YOU ARE UNSURE AS TO YOUR LEGAL RIGHTS YOU ARE ADVISED TO TAKE INDEPENDENT LEGAL ADVICE.

#### LOAN AGREEMENT

4%

This Agreement is made the day of May 2001.

#### BETWEEN:

ALLEGIANT BANK - CUSTODIAN FOR THE SELF- DIRECTED INDIVIDUAL RETIREMENT ACCOUNT of BETTY L. WOMACK, of 608 South Madison Street, Siloam Springs, Arkansas 72761 U.S.A. c/o Martin T. Sigillito Esq., or Helfrey Simon & Jones PC, 120 South Central Avenue, Suite 1500, St Louis, Missouri 63105, USA (hereinafter referred to as "Betty L. Womack IRA") (1)

and JOHN LAURENCE MARK, JOHN BEDE MORSE and JOHN GEORGE GIBSON together known as Mark Gilbert Morse of 53 Grey Street, Newcastle upon Tyne, NE1 6EE (hereinafter referred to as "MGM") (2)

- Betty L. Womack IRA agrees to lend to MGM the sum of Fifty Six thousand seven hundred and fifteen U.S. Dollars and nineteen Cents (\$56715.19) together with interest at seventeen point five per cent (17.5%) per annum.
- 2. MGM agrees to repay the sum of Fifty Six thousand seven hundred and fifteen U.S. Dollars and nineteen Cents (\$56715.19) together with interest of nine thousand nine hundred and twenty five U.S. Dollars and sixteen Cents (\$9925.16) on the May 2002.
- 3. In the event of MGM failing to repay the sum of Fifty Six thousand seven hundred and fifteen U.S. Dollars and nineteen Cents (\$56715.19) and / or failing to repay interest of nine thousand nine hundred and twenty five U.S. Dollars and sixteen Cents (\$9925.16) on Amay 2002 interest shall be charged on both the capital and accrued interest at the rate of thirty four per cent per annum (34%) from the date of such default until payment is made in full.

- 4. MGM refer to their personal Schedule of Assets and Liabilities attached hereto and marked "The Schedule" and warrants:-
  - (a) that the Schedule is a true, accurate and current statement of their
  - (b) hereby undertake not to make any adverse material change with regard to the said Assets and Liabilities without the prior consent in writing of Betty L. Womack IRA
  - (c) that no other party (other than a party disclosed in the Assets and Liabilities Statement) has an interest whether legal equitable or otherwise in the said assets.
  - 5. MGM undertake forthwith to procure individual policies of life assurance with an insurance company of good repute in a sum not to be less than the amount of the said loan together with interest for a period not less than the term of the loan and that forthwith following issue of the relevant life insurance policy document, that document will be lodged with Mark Gilbert Morse, Solicitors who will hold the same to the order of Betty L. Womack IRA as additional security for, and pending repayment of, the sums advanced by Betty L. Womack IRA herein.
  - 6. MGM undertake forthwith to procure that a Disability or Critical Care Insurance Policy is effected on John Bede Morse for a sum not to be less than the amount of the said loan plus total accrued compounded interest and that the document will be lodged with Messrs. Mark Gilbert Morse, Solicitors, who will hold the same to the order of Betty L. Womack IRA as

additional security for and, pending repayment of the sums advanced by Betty L. Womack IRA herein.

 It is confirmed that all liability in connection with this agreement shall be and remain joint and several as between John Laurence Mark, John Bede Morse and John George Gibson.

SIGNED as a Deed by the said
JOHN LAURENCE MARK
in the presence of:

A TOURING

53 CREY STREET

NEWLASTAE UPON SIGNED as a Deed by the said
JOHN BEDE MORSE
in the presence of:
A TOURING

SIGNED as a Deed by the said
JOHN GEORGE GIBSON
in the presence of:
A TOURING

TOUR INS

### MARK, GILBERT, MORSE

#### ASSET/LIABILITY POSITION

Partners' capital accounts	639,750.00
Work in progress in British Coal cases	11,400,000.00
	12,039,750.00
Less:-	
Additional borrowings to fund work in progress	800,000.00
Net Asset Position	£11,239,750

### ASSET AND LIABILITY STATEMENT

John Laurence Mark 36 Wilson Gardens Gosforth Newcastle upon Tyne

ASSETS		LIABILITIES	
Property Assets	£370,000	Property Loans	£60,000
Cash at Bank and Investments	£120,000	Other Loans	£40,000
Other Assets Including Cars etc.	£115,000	Other Miscellaneous	£28,000
Capital Accounts As per accounts			
Previously forwarded	£187,970		
Total	£792,970	-	£128,000
Net Asset Position	£664,970		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

### ASSET AND LIABILITY STATEMENT

John George Gibson 16 Akenside Terrace Jesmond Newcastle upon Tyne

ASSETS		LIABILITIES	
Property Assets	£350,000	Property Loans	£155,000
Cash at Bank and Investments	£37,500	Other Loans	£28,000
Other Assets Including Cars etc.	£180,000	Other Miscellaneous	£60,000
Capital Account			
As per accounts previously Forwarded	£194,256		
_			
Totals	£761,756		£243,000
Net Asset Position	£518,756		
and the same of th			

### ASSET AND LIABILITY STATEMENT

John Bede Morse East House Riding Mill Northumberland

ASSETS		LIABILITIES	
Property Assets	£290,000	Property Loans	£140,000
Cash at Bank and Investments	£45,000	Other Loans	£28,500
Other Assets Including Cars etc	£62,000	Other Miscellaneous	£16,000
Capital Accounts As Per accounts previously			
forwarded	£257,524		
Totals	£654,524		£184,500
Net Asset Position	£470,024		,

### HELFREY, SIMON & JONES. P.C.

DAVID B.B. HELFREY\*†
DAVID L. JONES
MICHAEL H. MUSICH†
DAVID F. NEIERS\*
PAUL SIMON, JR.\*
MICHAEL A. BECKER\*
MARK A. GONNERMAN\*\* \*
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HARVEY G. SCHNEIDER\*
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JEFFREY M. IGOU\*
SHAWN P. LEE
EVELYN L. MEHLER
MATTHEW P. O'GRADY
MICHAEL C. SEAMANDS‡\*

\*Also Licensed in Illinois
\*\*Also Licensed in Georgia
†Also Licensed in California
††Also Licensed in Kansas
‡Also Licensed in Florida

CLIFFORD L. GOETZ
MARTIN T. SIGILLITO
OF COUNSEL

JOHN S. McCollough\*

February 9, 2001

#### **VIA FACSIMILE 636-391-1635 ONLY**

Mr. Richard E. Markow President Allegiant Trust Company 15061 Manchester Road Ballwin, MO 63011

Re: Bosse Trust

Dear Rich:

Enclosed is the memorandum from Mr. Brown which I promised you. I believe that it provides all the information which you will need to bring this matter before the appropriate committee next week.

If you require any additional information, please feel free to contact me at your convenience. Many thanks for your help in this matter.

Very truly yours,

Martin T. Sigillito

mmm/109812 Enclosure

### MEMORANDUM (via e-mail, Only)

8<sup>th</sup> February 2001

To: Richard Markow, Esq.

President, Allegiant Trust Company

cc: Martin T. Sigillito, Esq.

Helfrey Simon & Jones, PC

re: Bosse Trust Matters

From: J. Scott Brown

This note addresses issues which as I understand it Mr. Sigillito asked be passed along to you for your consideration.

The crux here relates to the efficacy and propriety of a Trustee's using his sound judgment to consider allocating a part of the Trust's funds for use in the British Real Estate Backed Lending Program. In my view, there are three (3) considerations which need to be addressed in that context:

- 1. overall security of the investment
- 2. insulation from any currencies risk
- 3. benefits or otherwise of diversifying somewhat from current investment planning tools and applications

As will be seen, these issues tend rather to blend one into the other, so no segregation or bright line delineation is necessary for a complete understanding.

The program offered to the Trustees includes:

#### 1) Strictly Enforced Qualifications Upon Borrowers

Lending is only to borrowers whose personal and professional situations are known to and which are to be thoroughly vetted and assessed by Mr. Kevin Cooper and Messrs. Mark Gilbert Morse, Solicitors, ('MGM') both of Newcastle, England.

Mr. Cooper, for one example, is personally and professionally well known to me. He has worked with me on projects for well over 15 years, dating back to when I was based full-time in London. Both Mr. Cooper and MGM have excellent records of skills and accomplishments based upon their scrupulous attention to detail, culling process, honesty, integrity and track records in business.

#### 2) Highly Conservative Loan to Value Ratios

Lender-friendly minimum loan to value ratios mean that in no case will any loan even be considered unless the free and clear net assets of the borrower are at least twice the sum of the loan concerned. In the recent past, most often the proportion has worked out to be even more conservative than that, as high as 5 or 6 or 8 to one.

#### 3) British Real Estate Only

The only acceptable security is British real estate or contracts, mortgages, etc. involved with same.

As for one example, only, an immediately available transaction would offer as security the freehold in an hotel in Torquay, Devon, on the English Riviera, where there is unencumbered equity available in the region of Two Million One Hundred Thousand Pounds Sterling (£2,100,000, or at today's rate of exchange, say, \$3,032,793).

#### 4) English Law

There is no question of, for one example, any lending involving properties outside England or English Common Law jurisdictions.

When any lender or a Trustee considers the United Kingdom, one benefits from the undeniable historical fact that unlike elsewhere in Europe, one is dealing in a venue where the social, political, juridicial and economic environments are stable, uncorrupted and transparent. This is quite unlike the position even across the Channel where even the legal system is non-transparent, at best.

#### 5) No Currencies or Banking Risks

All lending would be denominated in U.S. Dollars. The lender would lend in Dollars, the contract would be written for Dollar sums, and the interest and principle would be repaid in Dollars.

The borrower may incur some risks of the currency movements over time, but he accepts to undertake that risk. The lender does not and need not accept any such risks.

Unlike some other Nations, there is no system of currency Exchange Controls in Britain. There are no other governmental or regulatory impediment or risk factor on the flow of monies such as these. A lender's monies can move freely into and out of the country within the normal international banking system.

#### 6) Competitive Rates of Return

Offered on these loans is a per annum return of fifteen per cent (15%). That figure is for one year, only, as is the term of any loan concerned. The rate is renewable or any lending vehicle is replaceable every twelve months.

While this percentage may be significant in comparative American terms, such needs to be viewed in the proper perspective not only of the British real estate marketplace but also that of British banking, especially as relates to real estate developers.

For one example, in England, for many months now the property market is soaring ahead by in excess of one per cent (+1%) *per month*. Indeed, according to the Nationwide Building Society, the annual rate of house price inflation accelerated from 16.2% to 17.5% in April this year. At that rate, the averaged increase is 1.485%, per month.

As any seasoned American knows, one can buy into deals in this country which offer returns even higher than these in the UK. The major difference, however, is risk. Here, quite unlike the high-rate, high-risk U.S. deals, one's position as to both capital and interest is well-secured by real estate.

From many years' personal experience, one can assure that British banks are inordinately slow to react and deliver, if not downright slothful. They will review any new lending opportunity in their own time, not that times-scale required by the client, and certainly not one who can assess, negotiate and conclude transactions as quickly as the developer-borrowers who are using this program.

Considering also that the British banks are effectively ready to lend only on periodic tax appraisals as opposed to real free and fair market valuations, one understands the need for supplemental sources of short-term finance.

#### 7) Diversification Benefits

If a Trustee were to opt for as little as, say, a one-third (1/3) allocation of the corpus of a Trust to this program, this could have an immediately positive and long-lasting effect not only on the net value of the corpus but on the interests and well-being of the beneficiaries downstream.

For example, Two Hundred Fifty Thousand Dollars (\$250,000) invested at Fifteen Per Cent per annum (15%) yields Thirty Seven Thousand Five Hundred Dollars (\$37,500) in twelve (12) months time.

Were the original capital sum and the net accumulated first year's interest to be rolled over for another year at the same 15% rate, one has added Eighty Thousand Six Hundred Twenty Five Dollars (\$80,625) in net interest to the Trust corpus in only two years. In other words, the uplift amounts to Thirty Two and one-quarter per cent (32.25%) in twenty-four (24) months.

If you have any questions or comments, I would of course be very pleased to speak to you at your convenience. That said, as it happens, I am leaving on a major trip to the UK and Russia on Saturday, 10<sup>th</sup> February. Mr. Sigillito will have all my contact details for each stop along the way as well as my European mobile telephone number on which I am always available.

Please note that I have also	attached biographical	materials on b	ooth Mr. C	Cooper a	nd
myself should these prove o	of interest.				

Best regards.

JSB

BosseMarkowMemodraft08.02.01.doc

### **KEVIN COOPER**Biographical Summary

A British subject born in England in 1961, Mr. Cooper is a lifetime resident of the North of England. He served his Nation in the Royal Navy, suffered wounds in the course of that service and was honorably discharged with a full pension. Thereafter Mr. Cooper continued to be of service to Her Majesty's Government in other capacities, received several commendations for exemplary service until his return to the private sector many years ago.

He successfully completed Open University courses in Economics, Decision-making in Politics, Psychology and Social Sciences and holds a Bachelor's degree. He has completed all the work for a Ph.D. in Economics save for his dissertation. Studying remains his hobby in his constant effort to remain abreast of things.

Having run his own commercial finance boutique for some 15 years now, Mr. Cooper holds licenses from various regulatory bodies of the United Kingdom in connection with the business with which he is involved. His career has encompassed a very large number of transactions throughout the world. These range across a wide spectrum of disciplines; for example, financing of (a) hotel/conference center projects in the U.S. (one deal exceeded \$200-million); (b) aircraft for airlines, (c) real estate construction and development projects in a number of countries, including the former Soviet Union, (d) management buyouts of companies including the very prestigious buyout of the Leucos Glass Company in Murano, Venice, Italy; (e) development of leisure and sports centers, (f) engineering companies, etc.

To the best of his knowledge, Mr. Cooper's firm is the only finance boutique in the world whose remuneration is entirely success-based. His firm charges no up-front fees. It does not insist on any form of exclusivity. Mr. Cooper is confident that the packages that he can put together will always outpace the competition and this has been proven - year in, year out.

Mr. Cooper's forensic accounting skills on behalf of the Secret Service, United States Treasury and the Federal Bureau of Investigations in connection with the defeat of an attempted international terrorism threat have brought him commendations from both agencies for his service to the United States.

Mr. Cooper and his wife, Kate, live in Newcastle-upon-Tyne, England with their three elementary school aged children, the eldest, a daughter, Geraldine, and her two younger brothers, Andrew and Patrick.

#### J. SCOTT BROWN Biographical Summary

Born and educated in the U.S., Mr. Brown holds the following degrees: Bachelor of Arts (B.A.), University of Louisville, Louisville, Kentucky; Doctor of Jurisprudence (J.D.), University of Arkansas, Fayetteville; and Master of Laws (LL.M.), University of Missouri-Kansas City. He also studied at the University of Vienna, Austria.

A proficient linguist (fluent in German, lesser varying abilities in Dutch, French, Spanish, Italian and now studying Russian), Mr. Brown has spent the majority of his adult life resident abroad. Until his return to the U.S. five years ago, Mr. Brown spent twenty years practicing globally from a base in London, which is still operational.

His expertise is in international financial and corporate structuring and general international commercial and financial matters in both the public and private sectors.

He has been a guest of and advisor to the Russian Parliament, has worked on major highprofile projects elsewhere in the world, including privatizations in South America and eastern Europe, and acts as lawyer-merchant banker for selected clients in various nations.

For ten years he was an Adjunct Professor of Law at the University of Missouri-Kansas City's Oxford Summer Program for judges and lawyers at St. Edmund Hall College, Oxford University, Oxford, England.

In April 1996, Mr. Brown was appointed to serve as Honorary British Consul, Her Majesty the Queen's Representative for Kansas and Western Missouri.

He and his wife, Amy, have one son, a senior in the School of Journalism and Mass Communications, Drake University, Des Moines.

A Division of Allegiant Bank Member FDIC 7801 Forsyth Blvd. • Clayton, Missouri 63105 Trust Company

ACCOUNT 196000103

ALLEGIANT BANK CUSTODIAN FOR THE LEWIS C VOLLMAR, JR. M.D. SELF-DIRECTED IRA

July 06, 2000 to September 30, 2000 PAGE 3

DATE	DESCRIPTION	INCOME	PRINCIPAL CASH	COST BASIS
	TRANSACTION	ION STATEMENT		
00/90/10	BEGINNING BALANCES	00.0	00.00	00.00
	CASH RECEIPTS			
07/06/2000	RECEIVED FROM CHASE NEW YORK DIRECT ROLLOVER RECD FROM FIDELITY ACCT 304174874		140,000.00	
07/06/2000	RECEIVED FROM CHASE NEW YORK DIRECT ROLLOVER RECD FROM FIDELITY A/C 304174882		128,000.00	
08/01/2000	INTEREST ON NORTHERN INSTL FUNDS DIVERSIFIED ASSETS PORTFOLIO PAYABLE 08/01/2000	139.93		
08/21/2000	RECEIVED FROM FIDELITY INVESTMENTS TRANSFER OF IRA		27,213.31	
09/01/2000	INTEREST ON NORTHERN INSTL FUNDS DIVERSIFIED ASSETS PORTFOLIO PAYABLE 09/01/2000	0.72		
	TOTAL CASH RECEIPTS	140.65	295,213.31	
	CASH DISBURSEMENTS			
07/10/2000	WIRE TO J SCOTT BROWN ASSOCIATES FOR INVESTMENT PER DIRECTION OF DR LEWIS C VOLLMAR, JR		268,000.00	
08/22/2000	WIRE TO BANK OF BLUE VALLEY PURSUANT TO MARTIN T SIGILLITO DIRECTION AS AUTHORIZED BY CUSTOMER		27,213.31-	
:	TOTAL CASH DISBURSEMENTS	00.0	295,213.31-	

### THOMPSON COBURN

Thompson Coburn LLP Attorneys at Law

One Firstar Plaza St. Louis, Missouri 63101-1693 314-552-6000 FAX 314-552-7000 www.thompsoncoburn.com

November 13, 2001

Jan Robey Alonzo 314-552-6002 314-552-7002 (FAX) EMAIL: jalonzo@ thompsoncoburn.com

#### Via Facsimile

Mr. Thomas W. Jerry Spencer Fane Britt & Browne, LLP Clayton Centre, 5<sup>th</sup> Floor 120 S. Central Avenue St. Louis, MO 63105

#### Dear Tom:

We have previously talked about the situations in which investment assets have not been received for self-directed IRA Accounts. I thought it might be helpful to provide you with the enclosed list of the accounts. Please provide a status report regarding these assets.

Very truly yours,

THOMPSON COBURN LLP

Jan Robey Alonzo

JRA/ja Enclosure

#### LIST OF ACCOUNTS

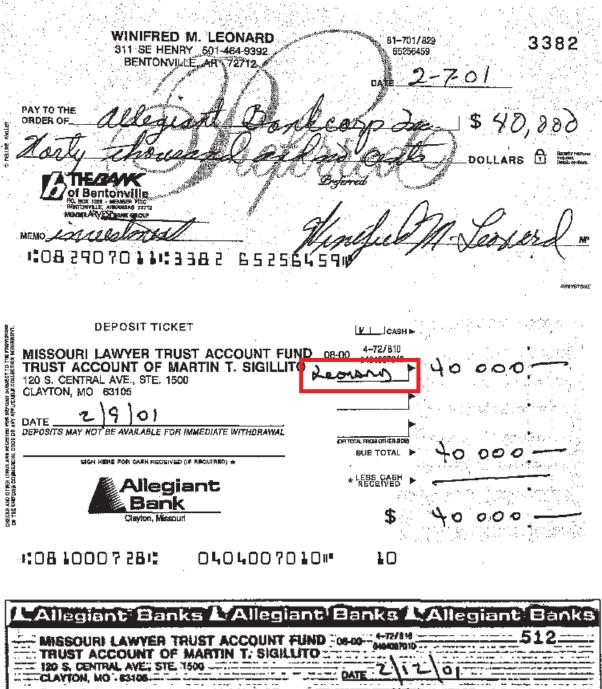
- Lewis C. Vollmer IRA, wired funds to J. Scott Brown on 4/23/01 in the amount of \$19,200.00
- 2. Carl Lavender Self-Directed IRA, A/C #69005166330, wired funds to J. Scott Brown on 4/27/01 in the amount of \$51,272.10
- 3. Iris Pearson Self-Directed IRA, A/C #69006965334, wired funds to J. Scott Brown on 5/14/01 in the amount of \$29,466.00
- 4. Patricia N. Ambrose Self-Directed IRA, A/C #69000364351, opened 6/5/01, wired funds to J. Scott Brown on 6/22/01 in the amount of \$129,020.71
- 5. Richard Aguilar Self-Directed IRA, A/C #69000196357, opened 6/15/01, wired funds to J. Scott Brown on 6/5/01 in the amount of \$80,228.13
- 6. David and Diane Caldwell Custody, A/C #60001240351, opened 8/1/01, wired funds to J. Scott Brown on 8/22/01 in the amount of \$9,945.47
- 7. Doug and Linda Givens: M. Houston has been assigned to follow up Loan contract and funds transmitted do not match

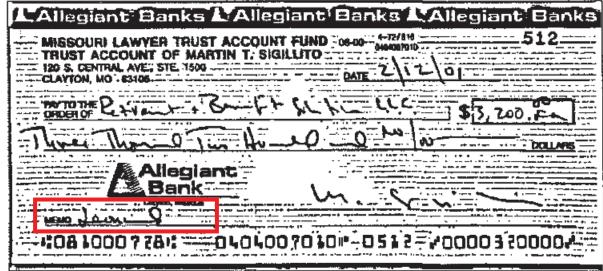
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Page 1 6-30-01 404007010 Account # ENCL CR ENCL DR

MISSOURI LAWYER TRUST ACCOUNT FOUNDATION TRUST ACCOUNT OF MARTIN T SIGILLITO 120 S CENTRAL AVE STE 1500 CLAYTON MO 63105

ASK ABOUT OUR NEW TOUCHDOWN SAVINGS/CHECKING ACCOUNT FACKAGE. IT OFFERS FLEXABILITY AND HIGHER RATES!

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NOW ACCOUNT

Previous Balance	5-31-01	1,395,435,45
+Deposits/Credits	3	140,155.58
-Checks/Debits	8	1,452,385.96
-Service Charge		.00
+Interest Paid		126.04
Current Balance		83.331.11

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Page 1 4-30-01 404007010 Account # ENCL CR ENCL DR

MISSOURI LAWYER TRUST ACCOUNT FUND TRUST ACCOUNT OF MARTIN T SIGILLITO 120 S CENTRAL AVE STE 1500 CLAYTON MO 63105

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Allegiant Bank

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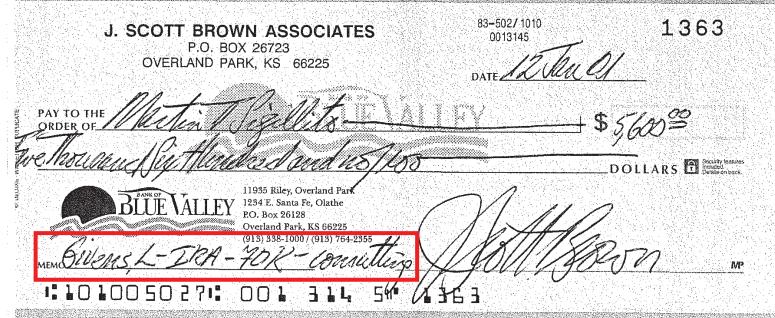
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PO. Box 26128
Overland Park KS 66225

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P.O. BOX 26723
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Allegiant Bank Clayton, Missouri MEMO 30316			DOLLARS



### LOAN STATEMENT

2122 Kratky Rd., St. Louis, MO 63114 (314) 692-8200

ACCOUNT NUMBER 309757367

HOME EQUITY LOANS PAYMENT DUE DATE 10-13-01

MINIMUM PAYMENT DUE 882.70

DOUGLAS R GIVENS AND LINDA W GIVENS 5029 COUNTY CLUB DR HIGH RIDGE MO 63049

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AMOUNT ENCLOSED

\$ 882.70

ACCOUNT NUMBER 309757367 PAYMENT DUE DATE 10-13-01

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11985 Riley RO. Box 26128 Overland Park, KS 66225 (913) 838-1000/fax (918) 858-2801 www.BankBV.com	IIIIII NP -

After Allegiant Bank ousted Sigillito, Allegiant accepted over twenty-seven payments in fiduciary funds from Scott Brown for interest payments on the Doug and Linda Givens loan (Loan No. 364099). Many of the check memos states: "Interest on Note Number 364099."

Check #1030	10-10-01	\$1781.66	Check #1218	6-09-03	\$578.44
Check #1043	11-03-01	\$693.69	Check #1228	7-23-03	\$485.78
Check #1081	2-20-02	\$1272.12	Check #1229	8-04-03	\$219.35
Check #1090	4-03-02	\$664.49	Check #1233	8-13-03	\$354.33
Check #1101	5-13-02	\$664.32	Check #1236	9-18-03	\$354.34
Check #1126	8-08-02	\$1297.13	Check #1245	10-20-03	\$342.89
Check #1126	10-22-02	\$1272.12	Check #1249	11-19-03	\$354.32
Check #1129	11-12-02	\$646.48	Check #1252	12-12-03	\$342.89
Check #1133	12-06-02	\$584.78	Check #1256	1-16-04	\$354.32
Check #1137	1-14-03	\$578.44	Check #1262	2-12-04	\$354.32
Check #1141	2-04-03	\$578.44	Check #1268	3-22-04	\$331.46
Check #1206	3-10-03	\$522.45	Check #1269	4-27-04	\$354.32
Check #1208	4-09-03	\$578.44	Check #1276	5-25-04	\$342.89
Check #1213	5-07-03	\$559.78			

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